

**From:** [Santoro, Christopher A \(EOIR\)](#)  
**To:** [McHenry, James \(EOIR\)](#)  
**Cc:** [Reilly, Katherine \(EOIR\)](#); [King, Jean \(EOIR\)](#)  
**Subject:** Memo for AG certification of Matter of E-F-H-L-  
**Date:** Tuesday, December 05, 2017 3:52:09 PM  
**Attachments:** [Memo OAG certification E-F-H-L- clean 12.5.17+CAS.docx](#)

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James,

The revised version, with my edits, is attached.

Chris

Christopher A. Santoro

Chief of Staff

**From:** [Ferris, Brittany \(EOIR\)](#)  
**To:** [All of Court Administrators \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCIJ HDQ \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [EOIR Library \(EOIR\)](#); [BIA SUPPORT \(EOIR\)](#); [BIA TEAM P \(EOIR\)](#); [Butler, Vicki A. \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [King, Jean \(EOIR\)](#); [OGC \(EOIR\)](#); [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Adams, Amanda \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#)  
**Cc:** [Rose, Karen \(EOIR\)](#); [Atkinson, Pamela \(EOIR\)](#)  
**Subject:** Matter of E-F-H-L-, 27 I&N Dec. 226 (A.G. 2018)  
**Date:** Monday, March 05, 2018 2:47:22 PM

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The above precedent decision can be found in Volume 27 at page 226. The link to the decision is:

Intranet:

(b)(7)(E)

The Attorney General referred the decision of the Board of Immigration Appeals in Matter of E-F-H-L-, 26 I&N Dec. 319 (BIA 2014), to himself for review and vacated that decision.

Brittany R. Ferris

DOJ/EOIR/BIA

703.605.5265

**From:** [McHenry, James \(EOIR\)](#)  
**To:** [Reilly, Katherine \(EOIR\)](#); [Neal, David L. \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [Ward, Lisa \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#)  
**Subject:** Matter of E-F-H-L-  
**Date:** Monday, March 05, 2018 10:36:45 AM  
**Attachments:** [AG Order 4122-2018.pdf](#)

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The AG has certified the case to himself in Matter of E-F-H-L- , vacated the Board's decision at 26 I&N Dec. 319, and directed that the case be recalendared.

The order is attached.

Pending the resolution of any current IT issues:

--The Board should send out notice of the order to the parties today.

--The Board and OP should coordinate formatting the order as a published decision.

-- OP should have the published decision posted to the public VLL today and then distributed within EOIR. It should also annotate the first Matter of E-F-H-L- in the public VLL to reflect that it has been vacated.

--Any media inquiries to OP/CLAD should be referred to OPA.

--Admin: once the order is posted on the public VLL, you can give JMD a heads-up.

Thanks.



Office of the Attorney General  
Washington, D.C. 20530

ORDER NO. 4122-2018

In re: Matter of E-F-H-L- (A (b)(6) (BIA 2014)

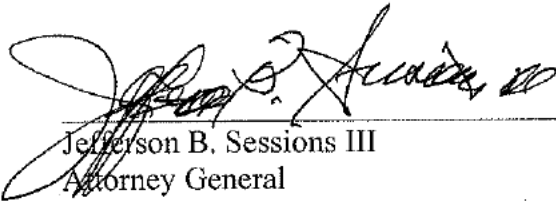
IN REMOVAL PROCEEDINGS

Pursuant to 8 C.F.R. § 1003.1(h)(1)(i), I direct the Board of Immigration Appeals ("Board") to refer to me its decision in *Matter of E-F-H-L-*, 26 I&N Dec. 319 (BIA 2014), and I vacate that decision.

In this matter, the respondent conceded removability at the outset of removal proceedings and requested relief from removal pursuant to an application for asylum and withholding of removal. The presiding Immigration Judge determined, without holding an evidentiary hearing, that the respondent's application failed as a matter of law to make a prima facie case that he was eligible for asylum and withholding of removal, and denied the application. The respondent appealed on the merits to the Board. The Board remanded, holding that a respondent applying for asylum and withholding of removal was ordinarily entitled to a full evidentiary hearing. The respondent subsequently withdrew his application for asylum and withholding of removal with prejudice. On the parties' motion, the Immigration Judge administratively closed removal proceedings to allow the adjudication of an I-130 petition on behalf of the respondent.

Because the application for relief which served as the predicate for the evidentiary hearing required by the Board has been withdrawn with prejudice, the Board's decision is effectively mooted. I accordingly vacate the decision of the Board in this matter, and I also direct that this matter be recalendared and restored to the active docket of the Immigration Court.

3-1-18  
Date

  
Jefferson B. Sessions III  
Attorney General